

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

GEORGE WELCH PLAINTIFF
V. CAUSE NO. 3:20-CV-122-NBB-JMV
CITY OF HERNANDO, MISSISSIPPI,
OFFICER JOSEPH HARRIS, OFFICER
ROBERT SCOTT, OFFICER R. SWATZYNA,
OFFICER A. LEWIS, IN THEIR OFFICIAL
AND INDIVIDUAL CAPACITIES, AND JOHN
AND JANE DOES 1-10 DEFENDANTS

VIDEO DEPOSITION OF ROBERT SCOTT

Taken at the instance of the Plaintiff on Tuesday, May 25,
2021, at the Hernando Police Department, 2601 Elm Street,
Hernando, Mississippi, beginning at 4:13 p.m.

(Appearances noted herein)

REPORTED BY: Courtney R. Taylor, CCR, TLC
Alpha Reporting A Veritext Company
236 Adams Avenue
Memphis, Tennessee 38103

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1 A. Right.

2 Q. Was -- was there a lot of cars, or any cars
3 that -- or anything about the traffic at Walmart
4 parking -- parking lot that stuck out in your head?

5 A. No.

6 Q. All right. And you went from the location
7 at that time to the location -- I mean to 1777
8 Trapper Lane?

9 A. Now, I don't recall the actual numerics of
10 the address, but --

11 Q. You went to the site where --

12 A. Right.

13 Q. -- the officer had called from?

14 A. Correct.

15 Q. All right. Were you the first officer to
16 arrive?

17 A. I was the first additional, yes.

18 Q. And when you arrived at the scene, tell me
19 what you observed as you're pulling up.

20 A. Mr. Welch was already in handcuffs. He was
21 on the ground, and Harris was there. And I get up,
22 and I walk up. And everything was pretty much over
23 when I got there.

24 Q. How was he on the ground? Was he on his
25 stomach?

1 A. Stomach.

2 Q. All right. Where, in relations to the
3 house, was he located?

4 A. It was in the driveway. I mean, the -- I
5 mean, the driveway, from my recollection, was
6 straight. And I don't know -- I -- it'd -- it'd be
7 hard for me to remember exactly how many feet, but
8 in front of the front of door, but closer to --

9 Q. Let me ask it this way: Was he closer to
10 the street or closer to the -- to the house?

11 A. Like if I was asked to measure it, like I
12 mean -- yeah, it was closer to the house. It was
13 not by the street.

14 Q. Okay.

15 A. No.

16 Q. And was he -- was he in the grass, or you
17 said he was on the driveway?

18 A. The driveway.

19 Q. All right. You observe him there.

20 What do you do once you see him on the
21 ground?

22 A. At that point, he was being taken to the
23 patrolman car. I mean --

24 Q. Did --

25 A. -- it was a very, very short period of time

1 that he was on the ground when I was there. And
2 then he was escorted to a patrol car.

3 Q. Do you remember any conversation that you
4 would have had with him during that time?

5 A. I don't.

6 Q. You -- you're not saying that you didn't
7 have a conversation; you're saying you don't
8 remember the conversation, or are you saying you
9 didn't have any conversation at all?

10 A. I -- I couldn't tell you a conversation
11 from that long ago, if I had any.

12 Q. All right. He -- when you arrived and --
13 did you ask the officer what had occurred?

14 A. The officer told me what had occurred.

15 Q. What did he tell you?

16 A. He told me that he asked Mr. Welch to move
17 the trailer, and he got irate. He asked him to give
18 him his driver's license. He refused to give him
19 his driver's license, and, at that point, he said,
20 he arrested him for failure to comply, for not
21 giving him his driver's license.

22 Q. Did you ask any questions about where the
23 driver license was?

24 A. I did not.

25 Q. At the -- when you -- when you arrived, do

1 you know whether or not he had the license in his
2 hand --

3 A. I --

4 Q. -- the -- the office?

5 A. Huh-uh.

6 Q. Do you know if he got the license off of
7 his person at all?

8 A. I -- I don't recall ever seeing the license
9 at all.

10 Q. All right. How did Mr. Welch look when you
11 observed him when you were walking up?

12 A. He was -- I don't -- I don't know. Reword
13 the question, because --

14 Q. What did he look like? I mean, did he look
15 like just like when you had seen him previously in
16 the gym or previously on the streets, or did he look
17 like --

18 A. No, he was agitated. He was agitated
19 and --

20 Q. Was he yelling or cursing or anything when
21 you came up?

22 A. No, I don't recall that.

23 Q. Did you -- have you ever Drive Stun -- or
24 had to use your Drive Stun mechanism in (sic)
25 anybody?

1 A. Uh-huh.

2 Q. And you said that he told you that he --
3 that he had asked the gentleman to move his trailer,
4 right?

5 A. Uh-huh.

6 Q. Now, you've got to say "yes" or "no."
7 We've got to --

8 A. Yes.

9 Q. Okay.

10 A. Sorry.

11 Q. And once he asked him to move his trailer,
12 do you remember whether or not Mr. Welch was
13 actually in the process of walking to the trailer to
14 move it?

15 A. I -- I have no idea, because all that stuff
16 happened before I was on scene. I can't testify to
17 something I didn't see.

18 Q. Well, I -- I understand that.

19 But what I'm asking for the sake -- when
20 we're right here -- did -- would -- did you ask him
21 if he was complying with the order to move the
22 trailer?

23 A. I didn't ask him any questions.

24 Q. All right. Now, you were the commanding
25 officer, right?

1 A. Uh-huh.

2 Q. "Yes" or "no."

3 And I -- I know --

4 A. Yes.

5 Q. -- and I --

6 A. Sorry.

7 Q. -- I -- I should gone -- just -- I'm
8 trying -- I'm trying to move faster than I should.
9 I should have gone into a speech about when I ask a
10 question --

11 A. Yes.

12 Q. -- during this, just for the sake of --
13 of --

14 A. Sorry.

15 Q. -- this --

16 A. I'll -- I'll do better.

17 Q. No, you're not -- you're not doing anything
18 wrong. It's just you're not -- well, you're doing
19 that wrong, but it's not on purpose. It's just
20 normal conversation you're having.

21 But for the sake of what we're doing down
22 the road, I want to make sure we have a clear
23 record.

24 A. Got it.

25 Q. You were his commanding officer?

1 A. I was.

2 Q. And as his commanding officer, even though
3 you might not have seen what took place, based off
4 of the information conveyed, you -- didn't you --
5 you not have discretion to say, "Hey, this might not
6 be a good arrest, and I want to override what you're
7 wanting to do right now"?

8 Did you have --

9 A. No.

10 Q. -- that discretion --

11 Let me -- let me ask the question. I
12 understand that you might never have done that ever.
13 Did you have that discretion, though?

14 Do you have that authority, as the superior
15 officer, to overrule the discretion of the officer,
16 who might have cuffs on someone, who, in your
17 opinion, does not need handcuffs on them?

18 MR. BUTLER: Object to the form of the
19 question.

20 You can answer it, if you can.

21 A. I don't really know how to answer that
22 question.

23 Q. (By Mr. Perry) Well, I mean, he can't tell
24 you how, here. But you can try it your best, and,
25 if you can't, you say, "I just can't answer that

1 question." And that's fine, and the videotape
2 will -- will have it for trial. But --

3 A. I just -- I just -- I've never -- I've
4 never been in a situation, where I felt that way,
5 that I needed to intervene. So I -- could I --
6 we're -- we're getting in some legal, murky waters
7 at that point.

8 Q. Okay. And what does that mean?

9 A. That means let everything work out in
10 court, like this is going to be.

11 Q. All right. On this scene, though, if you
12 see a -- a subordinate officer that is making
13 something -- and I'm not saying necessarily in this
14 case. If you see a subordinate officer do something
15 that you disagree with, can you make the decision to
16 takeover a particular scene; yes or no?

17 A. Yes.

18 Q. And, although, you might not do it or have
19 ever done it, can you also make the decision, based
20 off information that you're given, to say, "Hey,
21 this is -- guy does not need to be arrested at this
22 time"; yes or no?

23 A. Yes.

24 Q. All right. And, likewise, based off of
25 information that you receive, do you have the

CERTIFICATE OF COURT REPORTER

I, Courtney R. Taylor, Court Reporter and Notary Public in and for the County of Bolivar, State of Mississippi, do hereby certify that the foregoing 20 pages, and including this page, contain a true and accurate transcription of the testimony of Robert Scott, as taken by me in the aforementioned matter at the time and place heretofore stated by stenotype and later reduced to typewritten form under my supervision by means of computer-aided transcription.

I further certify that under the authority vested in me by the State of Mississippi that the witness was placed under oath by me to truthfully answer all questions in this matter.

I further certify that I am not in the employ of or related to any counsel or party in this matter and have no interest, monetary or otherwise, in the final outcome of this proceeding.

Witness my signature and seal this the 9th day of June, 2021.



COURTNEY R. TAYLOR, CCR #1668

My Commission Expires: August 19, 2023